

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1	UNITED STATES OF AMERICA,)	No. CR-09-6098-WFN-3
2)	
3	Plaintiff,)	ORDER SETTING CONDITIONS
4)	OF RELEASE
5	v.)	
6)	<input type="checkbox"/> Motion Denied
7	JOSE MENDOZA-VALDOVINOS,)	(Ct. Rec. ____)
8)	
9	Defendant.)	<input checked="" type="checkbox"/> Motion Granted
10)	(Ct. Rec. <u>169</u>)
11)	<input type="checkbox"/> Action Required

The court, having conducted a bail review hearing on May 12, 2010, and having considered the Pretrial Services Report and Supplemental Pretrial Services Report and proffers of the parties, finds there are conditions of release that will reasonably assure defendant's presence at future court hearings. Defendant shall be released subject to the following conditions:

IT IS ORDERED that the release of the Defendant is subject to the following:

Standard Conditions of Release

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct. Defendant shall contact defense counsel at least once a week.

(7) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

**Additional Conditions of Release
on Personal Recognizance or Unsecured Bond**

☒ (8) Defendant shall:

☒ Execute:

- ☐ \$ _____ corporate surety bond
☐ \$ _____ property bond
☐ \$ _____ cash bond
☒ \$ \$10,000 percentage bond with \$1,000 paid in cash

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community,

IT IS FURTHER ORDERED that the release of the Defendant is subject to the following additional conditions:

☐ (9) The Defendant is placed with:

Name of person or organization

Address

City and State

Tele. Number

Signature

Date

☒ (10) Maintain or actively seek lawful employment if allowed by ICE.

☐ (11) Maintain or commence an education program.

☐ (12) Surrender any passport to Pretrial Services and does not apply for a new passport.

☒ (13) Defendant shall remain in the:

☒ Eastern District of Washington or ☐ State of Washington while the case is pending. On a showing of necessity, Defendant may obtain prior written permission to leave this area from the United States Probation Office.

☐ Exceptions:

☐ (14) Avoid all contact, direct or indirect, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

☐ (15) Avoid all contact, direct or indirect, with known felons.

☐ (16) Undergo medical or psychiatric treatment and/or remain in an institution as follows:

☒ (17) Refrain from: ☐ any ☒ excessive use of alcohol.

☒ (18) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

SUBSTANCE ABUSE EVALUATION AND TREATMENT

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment, unless the United States

1 Probation Office should determine otherwise. The United States
 2 Probation Office shall also determine the time and place of testing
 3 and evaluation and the scope of treatment. If Defendant fails in
 4 any way to comply or cooperate with the requirements and rules of a
 5 treatment program, Pretrial Services shall notify the court and the
 6 U.S. Marshal, who will be directed to immediately arrest the
 7 Defendant.

8 Defendant shall participate in one or more of the following
 9 treatment programs:

10 ☒ (19) **Substance Abuse Evaluation:** Defendant shall undergo a
 11 substance abuse evaluation:

12 ☐ if directed by a U.S. Probation Officer.

13 ☒ as directed by a U.S. Probation Officer.

14 ☐ Prior to release, Defendant must have an appointment for a
 15 substance abuse evaluation, and the appointment must be
 16 confirmed to the court by Pretrial Services. Defendant will
 17 be released:

18 ☐ one day prior to, or ☐ on the morning of his appointment.

19 ☐ (20) **Inpatient Treatment:** Defendant shall participate in an
 20 intensive inpatient treatment program.

21 ☐ Prior to release, an available bed and date of entry must be
 22 confirmed by Pretrial Services.

23 ☐ Defendant will be released to an agent of the inpatient
 24 program on _____.

25 ☐ Prior to release from inpatient treatment, an outpatient
 26 treatment program must be presented to the court. If
 27 Defendant does not have a structured outpatient treatment
 28 program in place prior to conclusion of her inpatient
 treatment, Defendant automatically will go back into the
 custody of the U.S. Marshal.

☐ Following inpatient treatment, Defendant shall participate in
 an aftercare program.

1 ☐ (21) **Outpatient Treatment:** Defendant shall participate in
2 intensive outpatient treatment.

3 ☐ Prior to release, an appointment for Defendant's first
4 counseling session must be made and confirmed by Pretrial
5 Services. Defendant will be released:

6 ☐ one day prior to, or ☐ on the morning of his appointment.

7 ☒ (22) **Prohibited Substance Testing:** If random urinalysis testing
8 is not done through a treatment program, random urinalysis testing
9 shall be conducted through Pretrial Services, and shall not exceed
10 six (6) times per month. Defendant shall submit to any method of
11 testing required by the Pretrial Service Office for determining
12 whether the Defendant is using a prohibited substance. Such methods
13 may be used with random frequency and include urine testing, the
14 wearing of a sweat patch, a remote alcohol testing system, and/or
15 any form of prohibited substance screening or testing. Defendant
16 shall refrain from obstructing or attempting to obstruct or tamper,
17 in any fashion, with the efficiency and accuracy of prohibited
18 substance testing. Full mutual releases shall be executed to permit
19 communication between the court, Pretrial Services, and the
20 treatment vendor. Treatment shall not interfere with Defendant's
21 court appearances.

22 HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

23 ☐ (23) Defendant shall participate in one or more of the following
24 home confinement program(s):

25 ☐ **Electronic Monitoring.** The Defendant shall participate in a
26 program of electronically monitored home confinement. The
27 Defendant shall wear, at all times, an electronic monitoring
28 device under the supervision of U.S. Probation. In the event the

1 Defendant does not respond to electronic monitoring or cannot be
2 found, the U.S. Probation Office shall forthwith notify the
3 United States Marshals' Service, who shall immediately find,
4 arrest and detain the Defendant. The Defendant shall pay all or
5 part of the cost of the program based upon ability to pay
6 determined by the Pretrial Services Office.

7 ☐ **GPS Monitoring.** The Defendant shall participate in a program
8 of GPS confinement. The Defendant shall wear, at all times, a
9 GPS device under the supervision of U.S. Probation. In the event
10 the Defendant does not respond to GPS monitoring or cannot be
11 found, the U.S. Probation Office shall forthwith notify the
12 United States Marshals' Service, who shall immediately find,
13 arrest and detain the Defendant. The Defendant shall pay all or
14 part of the cost of the program based upon ability to pay
15 determined by the Pretrial Services Office.

16 ☐ **Curfew.** Defendant shall be restricted to his/her residence:

17 ☐ every day from _____ to _____

18 ☐ as directed by the Pretrial Services Office

19 ☐ **Home detention.** Defendant shall be restricted to his/her
20 residence at all times except for employment; education,
21 religious services; medical, substance abuse, or mental health
22 treatment; attorney visits; court appearances; case-related
23 matters; court-ordered obligations; or other activities as pre-
24 approved by the Pretrial Services Office or supervising officer.

25 ☐ Maintain residence at a halfway house or community corrections
26 center, as deemed necessary by the Pretrial Services Office or
27 supervising officer.

28 ☐ Except for employment purposes, Defendant shall not have access

1 to the internet.

2 ☐ Defendant may not be in the presence of minors, unless a
3 responsible adult is present at all times.

4 DATED: May 12, 2010

5
6 S/ James P. Hutton
7 JAMES P. HUTTON
8 UNITED STATES MAGISTRATE JUDGE
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